

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV471**

**MARGE IANNUCCI, and MICHAEL A. )  
IANNUCCI, )**

**Plaintiffs, )**

**Vs. )**

**MISSION HOSPITAL, and JAN HART, )**

**Defendants. )**

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**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed November 14, 2008.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On November 14, 2008, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendants'

motion to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 10 days of service of the Recommendation; the period within which to file objections expired on December 5, 2008. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that Defendants' motion be allowed.

**IT IS, THEREFORE, ORDERED** that the Defendants' motion to dismiss is **ALLOWED**, and this matter is **DISMISSED** in its entirety.

**IT IS FURTHER ORDERED** that the Plaintiffs' claims under the Health Insurance Portability and Accountability Act of 1996 are hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Plaintiffs' claims pursuant to Title VII and for defamation are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: December 11, 2008

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

